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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY 26 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact upon the)
Existing Television Broadcast)
Service)
)

To: The Commission

SUPPLEMENT TO PETITION FOR PARTIAL RECONSIDERATION
OF PAXSON COMMUNICATIONS CORPORATION

Paxson Communications Corporation ("PCC"), licensee of station WPXM-TV, Miami, Florida, by its attorneys, hereby submits this Supplement to its April 20, 1998 Petition for Partial Reconsideration of the Commission's *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order* in MM Docket No. 87-268. FCC 98-24 (rel. Feb. 23, 1998) ("DTV Allotment MO&O"). PCC has assembled an extensive nationwide broadcast television group in anticipation of the launch of the seventh television broadcasting network. With pending acquisitions, PCC, the largest owner of full-power broadcast television stations in the U.S., owns, operates or affiliates with 78 television stations in markets containing over 72 million television households. An expeditious roll-out of DTV is essential to the creation and success of this new television network.

By this Supplement, PCC is requesting that the Commission reassign Channel 31 as the DTV allotment for WPXM-TV, Miami, Florida so that the Station can relocate its DTV facilities

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to the Hollywood, FL antenna farm — the transmission site for many stations in the Miami, Florida area. The only change from the April 20, 1998 Petition is the substitution of DTV Channel 31 for DTV Channel 3 proposed therein. As shown in the attached Technical Statement, operation on Channel 31 at the antenna farm site would not create unacceptable interference to other stations. Thus, for the reasons set forth in its April 20, 1998 Petition, and incorporated herein by reference, PCC requests the reassignment of the paired DTV allotment for WPXM from Channel 26 to Channel 31.

As noted in its April 20, 1998 Petition, PCC's interdependent requests are consistent with the Commission's general rules and policies applied throughout the DTV proceeding and would not unacceptably harm any other station. The Commission has repeatedly stated that broadcasters would be afforded flexibility in seeking solutions to allotment problems. This is no less the case with relocations, about which the Commission said:

...we should provide as much flexibility as possible with regard to changes in transmitter locations. To provide broadcasters' flexibility, we will allow stations to relocate to other locations or co-locate their facilities with other broadcasters where such relocations and co-locations would not increase interference.^{1/}

The Commission reaffirmed its support of this approach in the *DTV Allotment MO&O*.^{2/} By reassigning WPXM's paired DTV allotment (which the Commission has already done in response to at least 29 other specific requests),^{3/} WPXM's request to relocate its transmitter to

^{1/} *Sixth Report and Order* at 12 FCC Rcd 14635.

^{2/} *DTV Allotment MO&O* at ¶190.

^{3/} *Id.* at ¶27.

the Hollywood antenna farm should then be granted because the relocation would not increase interference except for a small number of people (18,587) within the Grade B service area of station WTVJ(TV), Miami, Florida.^{4/} This represents only 0.5% of WTVJ(TV)'s service population.^{5/} PCC believes that this small level of interference is acceptable and consistent with the circumstances of at least some of those 29 allotment modifications the Commission previously granted. In fact, as noted in the attached Technical Statement, if Station WTVJ(TV) relocates its DTV operation to the Hollywood antenna farm, then the calculated mutual interference will very likely be eliminated.

PCC's request satisfies other Commission requirements. Proposed operation would be at the minimum 1 kW ERP. Total replication would be achieved and the community of license would remain in WPXM's service area.^{6/} By operating from the Hollywood antenna farm, the added benefit of simplifying the allotment scheme in the Miami area would be gained. The Commission should honor its commitment to flexibility for broadcaster relocations and grant PCC's interdependent requests.

^{4/} See attached Technical Statement.

^{5/} As indicated in the *DTV Allotment MO&O*, Appendix B.

^{6/} See attached Technical Statement. A non-directional antenna would be deployed.

CONCLUSION

“Throughout this proceeding,” the Commission said, “we have stated that we intend to provide broadcasters with the flexibility to develop alternative allotment approaches.”^{7/} In accordance with the flexibility promised to broadcasters, PCC hereby conjunctively requests the reallocation and relocation of the DTV facilities for WPXM-DT. PCC’s proposal would rectify one of the DTV problems faced by WPXM, would result in no new unacceptable interference for other stations, and would have enormous benefits for the roll-out of DTV service in the Miami area. The grant of the proposal would result in a simplified allotment scheme and would be consistent with the Commission’s rules and policies. While the Commission’s rules appear to preclude the separate pursuit of the underlying individual requests, the Commission has the opportunity to solve a discrete problem here on reconsideration by granting PCC’s interdependent requests.

^{7/} *DTV Allotment MO&O* at ¶187.

For the reasons stated in the foregoing, and as demonstrated in the attached Technical Statement, PCC requests that the Commission act on this request.

Respectfully submitted,

PAXSON COMMUNICATIONS CORPORATION

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May 26, 1998

ATTACHMENT

Technical Statement

TECHNICAL STATEMENT
STATION WPXM(TV)
MIAMI, FLORIDA

This Technical Statement provides a revision to a petition for reconsideration from station WPXM(TV) at Miami, Florida. Station WPXM operates on analog (NTSC) channel 35 with a directional antenna (DA) system. The maximum visual effective radiated power (ERP) is 3240 kilowatts (kW). The antenna height above average terrain (HAAT) is 102 meters. In the Federal Communications Commission (FCC) Memorandum Opinion and Order (MO&O) dealing with reconsideration of the FCC's 6th Report and Order (R&O) in Mass Media (MM) Docket No. 87-268, station WPXM was allotted DTV channel 26. The WPXM channel 26 DTV allotment was assigned a maximum directional antenna ERP of 66.2 kW at an antenna HAAT of 102 meters. The channel 26 DTV allotment reference point is at the WPXM license site (25-41-05, 80-18-52).

In its April 1998 petition for reconsideration, station WPXM requested the FCC to reconsider its DTV allotment to WPXM. Station WPXM requested DTV channel 3 with an ERP of 1 kW and antenna HAAT of 250 meters. A non-directional antenna system was assumed for the channel 3 DTV allotment. Station WPXM requested the DTV allotment reference point be changed to the Hollywood antenna farm at coordinates 25-57-59, 80-12-33).

The purpose of this filing is to revise WPXM's DTV channel request from 3 to 31. Because of the presence of analog channel 4 operating in the Miami market (WFOR-TV), DTV

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channel 3 should not be used because of the potential impact on devices such as video tape cassette recorders and players (ie, VCRs). This is the basis for WPXM's request to change the DTV channel to 31. The FCC is requested to assign WPXM a non-directional ERP of 200 kW for the channel 31 DTV allotment, at the requested antenna HAAT of 250 meters. The channel 31 DTV allotment reference point is to be at the Hollywood antenna farm with coordinates: 25-57-59, 80-12-33.

As noted in the previous filing, station WPXM requested that its DTV assignment be made at the Hollywood antenna farm during the DTV allotment proceeding. The vast majority of the full service TV stations serving the market are located at the antenna farm area. Although there are other separation and interference concerns, the major problem with use of DTV channel 26 at the Hollywood antenna farm is the adjacent channel DTV allotment of channel 27 to station WXEL-TV at West Palm Beach, Florida. The separation would be 67.7 kilometers, where as, the FCC rules require the separation to be less than 24 kilometers or greater than 110 kilometers. Station WPXM searched for an alternative DTV channel for its allotment at the Hollywood antenna farm.

Interference studies have been conducted using the procedures described in the FCC's 6th R&O, the MO&O and OET-69. The studies include use of the Longley-Rice propagation model and a 3 second digitized terrain database. The method was used by the FCC to calculate service and interference in developing the DTV allotment table.

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The interference studies indicate the proposed WPXM channel 31 DTV allotment at the Hollywood antenna farm (200 kW, 250 m) will only cause calculated interference to station WTVJ(TV) on DTV channel 30 at Miami, Florida. No interference is calculated to other full service analog or DTV allotments, including no interference to the co-located DTV allotment of channel 32 for station WBFS-TV on analog channel 33 at Miami.

The calculated interference from the proposed WPXM channel 31 DTV allotment to the DTV allotment operation of WTVJ on channel 30 is to an estimated population of 18,587 people. This represents approximately 0.5% of the population within the WTVJ noise limited service area as indicated in the FCC's MO&O (3,619,000 people). If WTVJ relocates its DTV operation to the antenna farm area as is expected¹, then the calculated mutual interference will very likely be eliminated.

The proposed WPXM channel 31 DTV allotment is calculated to receive a small amount of interference (936 people) from the WTVJ DTV allotment on channel 30. No other authorized full service analog station or DTV allotment is calculated to cause interference to the proposed WPXM channel 31 DTV allotment. The estimated population within the f(50,90) noise limited contour for the proposed WPXM channel 31 DTV operation is 3,710,000 people.

¹ It is common knowledge in the Miami TV market that stations WPXM on analog channel 35 and WTVJ on analog channel 6 have tried to overcome the site disadvantages they have due to the inability to locate the analog operations at the antenna farm area where the other TV stations are located. Both stations WPXM and WTVJ have expressed their desires to eliminate this handicap by locating their respective DTV operations at the antenna farm area.

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Figure 1 is a map showing the predicted Grade B (64 dBu) contour for the WPXM analog operation on channel 35. The map also shows the 41 dBu, f(50,90) noise limited contour for the FCC's DTV allotment on channel 26 for WPXM. The 41 dBu, f(50,90) noise limited contour for the proposed WPXM channel 31 DTV allotment is identified. The noise limited contour for the proposed channel 31 DTV allotment nearly encompasses the Grade B contour for the WPXM analog operation.

The following is a summary of the estimated population (1990 Census) within the WPXM analog Grade B service area, 41 dBu noise limited contour for the FCC's DTV allotment on channel 26, and the 41 dBu noise limited contour for WPXM's proposed DTV allotment on channel 31.

<u>WPXM Operation</u>	<u>Population</u>
Analog Ch.35	2,300,000
FCC DTV Ch.26	2,890,000
Proposed DTV Ch.31	3,710,000

In summary, DTV channel 31 can be assigned to WPXM as its DTV allotment with an ERP of 200 kW and antenna HAAT of 250 meters, at a reference point in the Hollywood antenna farm (25-57-59, 80-12-33). Even if WTVJ does not relocate its DTV operation to the antenna farm area, the interference calculated to be caused to station WTVJ is considered small (ie, 0.5%), as is the calculated interference to be received from WTVJ (0.03%). The proposed channel 31 DTV allotment at

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the Hollywood antenna farm will enable station WPXM's DTV operation to be located where the majority of the Miami market TV stations are, and eliminate the site disadvantage WPXM's analog operation experiences.

If there are questions concerning this Technical Statement, please contact the office of the undersigned.



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Figure 1

